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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

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**SEP 18 2002**

In re Application of  
Schlotzhauer et al.  
Application No. 09/955,796  
Filed: September 18, 2001  
Attorney Docket No. 10010804-1

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**

This is a decision on the Petition, filed July 29, 2002, to revive an unavoidably abandoned application Under 37 CFR §1.137(a), which is being treated under 37 CFR §1.181(a), as a petition to withdraw the holding of abandonment.

The petition is **granted**.

Petitioner avers non-receipt of the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed on October 18, 2001. In support, Petitioner has provided the necessary statements and copies of the docket record where the non-received Notice would have been entered had it been received and docketed. Petitioner has demonstrated by a preponderance of the evidence that the Notice was not received.

The Abandonment of this application is hereby withdrawn. The executed oath/declaration has been entered and made of record.

No petition fee is due; however, as the oath/declaration filed with the application was unexecuted, the fee for the late filing of the oath or declaration, \$130.00, has been charged to deposit account 50-1078, as authorized in the general authorization filed with the application.

The application is being returned to the Office of Initial Patent Examination for further processing in due course..

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy